

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RODNEY L. GARROTT,

Plaintiff,

vs.

MELISSA ANDREWJESKI,
et al.,

Defendants.

No. CV-10-391-LRS

**ORDER DENYING
PLAINTIFF'S MOTION
FOR RECONSIDERATION**

BEFORE THE COURT is Plaintiff's Motion for Reconsideration pursuant to Fed. R. Civ. P. 59(e). Plaintiff asks the court to reconsider its June 22, 2012 "Order Granting Defendants' Motion For Summary Judgment, *Inter Alia*" (ECF No. 89).

A Fed. R. Civ. P. 59(e) motion for reconsideration can only be granted when a district court: (1) is presented with newly discovered evidence; or (2) committed clear error or the initial decision was manifestly unjust; or (3) there has been an intervening change in controlling law. *Dixon v. Wallowa County*, 336 F.3d 1013, 1022 (9th Cir. 2003). A motion for reconsideration is not the time to ask the court to "rethink what it has already thought through." *United States v. Rezzonico*, 32 F.Supp.2d 1112, 1116 (D.Ariz.1998).

The court thoroughly reviewed the extant record before arriving at its decision to grant summary judgment to Defendants. That record does not give rise to genuine issues of material fact that Defendants were deliberately indifferent to a substantial risk of serious harm to Plaintiff in violation of the

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1 Eighth Amendment. Nor does it give rise to genuine issues of material fact that
2 Defendants negligently failed to protect the Plaintiff. The new information
3 (exhibits) which Plaintiff includes with his Motion For Reconsideration does
4 not alter that conclusion. It does not remotely suggest that any of the
5 Defendants were aware of facts from which they could have and should have
6 drawn an inference that a substantial risk of serious harm to Plaintiff existed, or
7 that they had knowledge or good reason to believe an assault on the Plaintiff
8 was expected by offender Curry, and then later by offender Tyson.

9 Even assuming Plaintiff's new exhibits constitute "newly discovered
10 evidence," they do not change the outcome. The court did not a commit a clear
11 error in granting summary judgment to Defendants and this decision is not
12 manifestly unjust.

13 Plaintiff's Motion for Reconsideration (ECF No. 91) is **DENIED**.

14 **IT IS SO ORDERED.** The District Executive shall forward copies of
15 this order to the Plaintiff and to counsel for the Defendants.

16 **DATED** this 23rd of August, 2012.

17 *s/Lonny R. Suko*

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LONNY R. SUKO
20 United States District Judge
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